



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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RESULTS OF MERRIMACK PLANNING BOARD

June 5, 2012

Town Hall Meeting Room, West Wing, Second Floor (Former Courtroom)

7:30 P.M.

Planning Board members present: Robert Best, Alastair Millns, John Segedy, Tom Koenig, Lynn Christensen (arrive 7:33 p.m.), and Alternate Stanley Bonislowski.

Planning Board members absent: Nelson Disco, Michael Redding and Alternate Pete Gagnon.

Community Development Staff: Assistant Planner Jeff Morrisette and Recording Secretary Zina Jordan.

1. Call to Order

Robert Best called the meeting to order at 7:30 p.m. and designated Stanley Bonislowski to sit for Michael Redding.

2. Planning & Zoning Administrator's Report

None.

3. JPM Real Estate, LLC (applicant/owner) – JPM Real Estate, LLC (applicant/owner) – Review for consideration of Final Approval to construct a 3,456 s.f. building consisting of a 23-seat 1,956 s.f. Dunkin Donuts restaurant with drive-thru and 1,500 s.f. of retail space. Parcel is located at 80 Continental Boulevard in the R (Residential) and Aquifer Conservation Districts. Tax Map 3C, Lot 040-1. This agenda item is continued from the May 15, 2012 meeting.

Lynn Christensen arrived at 7:33 p.m.

Applicant was represented by: James Petropulos, Vice President/Principal Engineer, Hayner-Swanson; Franchisee John Motta; Traffic Consultant Rebecca Brown, TEC; and Attorney Brad Westgate, Winer & Bennett, Nashua.

There was no public comment.

The Board voted 5-1-0 to waive the requirements of Section 7.02 Table 1 - Required Number of Parking Spaces - of the Subdivision Regulations, on a motion made by Lynn Christensen and seconded by John Segedy. Tom Koenig voted in the negative.

A motion to waive the requirements of Section 7.04(4)(r) - Sidewalks - of the Subdivision Regulations, failed, by a vote of 1-5-0, on a motion made by Alastair Millns and seconded by Lynn Christensen. Robert Best, Alastair Millns, John Segedy, Tom Koenig, and Stanley Bonislowski voted in the negative.

A motion made by Alastair Millns and seconded by Stanley Bonislowski that the applicant build a sidewalk entirely on his own property rather than in the right-of-way was withdrawn.

A motion made by Alastair Millns and seconded by Tom Koenig that the applicant make a contribution in lieu of building a sidewalk, the amount to be determined by the Public Works Department and deposited with the Town of Merrimack as restricted revenue for needs created by this project was withdrawn.

A motion that the applicant deposit money into Town funds to be restricted to building a sidewalk on this site within two years or the money be returned to the applicant failed, by a vote of 3-3-0, on a motion made by Lynn Christensen and seconded by Tom Koenig. Robert Best, John Segedy, and Stanley Bonislowski voted in the negative.

A motion made by Lynn Christensen to reconsider the motion to waive the requirements of Section 7.04(4)(r) - Sidewalks - of the Subdivision Regulations, failed for lack of a second.

A motion that the applicant build a sidewalk on his property rather than in the right-of-way, failed, by a vote of 3-3-0, on a motion made by John Segedy and seconded by Alastair Millns. John Segedy, Tom Koenig, and Lynn Christensen voted in the negative.

The Board voted 4-2-0 that the applicant deposit money into Town funds to be restricted for use by the Town to either build a sidewalk in this area or conduct a sidewalk or pedestrian study related to the project area; any funds not expended by the Town within two years shall be returned to the applicant, on a motion made by Lynn Christensen and seconded by Tom Koenig. John Segedy and Stanley Bonislowski voted in the negative.

The Board voted 5-1-0 to grant final approval, with conditions, on a motion made by Alastair Millns and seconded by Lynn Christensen. Tom Koenig voted in the negative.

4. Discussion and possible action regarding other items of concern

Discussion only.

5. Approval of Minutes

The minutes of May 1, 2012, were approved, with changes, by a vote of 6-0-0, on a motion made by John Segedy and seconded by Alastair Millns.

6. Adjourn

The meeting adjourned at 9:58 p.m., by a vote of 6-0-0, on a motion made by Alastair Millns and seconded by John Segedy.